

107TH CONGRESS
1ST SESSION

S. 1518

To improve procedures with respect to the admission to, and departure from,
the United States of aliens.

IN THE SENATE OF THE UNITED STATES

OCTOBER 9, 2001

Mr. BOND (for himself, Mr. CONRAD, and Ms. SNOWE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To improve procedures with respect to the admission to,
and departure from, the United States of aliens.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Visa Integrity and Se-
5 curity Act of 2001”.

1 **SEC. 2. SENSE OF THE CONGRESS REGARDING THE NEED**
2 **TO EXPEDITE IMPLEMENTATION OF INTE-**
3 **GRATED ENTRY AND EXIT DATA SYSTEM.**

4 (a) SENSE OF CONGRESS.—In light of the terrorist
5 attacks perpetrated against the United States on Sep-
6 tember 11, 2001, it is the sense of the Congress that—

7 (1) the Attorney General should fully imple-
8 ment the integrated entry and exit data system for
9 airports, seaports, and land border ports of entry, as
10 specified in section 110 of the Illegal Immigration
11 Reform and Immigrant Responsibility Act of 1996,
12 as amended by the Immigration and Naturalization
13 Service Data Management Improvement Act of 2000
14 (Public Law 106–215), with all deliberate speed and
15 as expeditiously as practicable; and

16 (2) the Attorney General, in consultation with
17 the Secretary of State, the Secretary of Commerce,
18 and the Secretary of the Treasury, should imme-
19 diately begin establishing the Integrated Entry and
20 Exit Data System Task Force, as described in sec-
21 tion 3 of the Immigration and Naturalization Serv-
22 ice Data Management Improvement Act of 2000
23 (Public Law 106–215).

24 **SEC. 3. ENTRY-EXIT TRACKING SYSTEM.**

25 (a) DEVELOPMENT OF THE SYSTEM.—In the devel-
26 opment of the entry-exit tracking system, as described in

1 the preceeding section, the Attorney General shall particu-
 2 larly focus—

3 (1) on the utilization of biometric technology,
 4 including, but not limited to, electronic
 5 fingerprinting, face recognition, and retinal scan
 6 technology; and

7 (2) on developing a tamper-proof identification,
 8 readable at ports of entry as a part of any non-
 9 immigrant visa issued by the Secretary of State.

10 (b) INTEGRATION WITH LAW ENFORCEMENT DATA-
 11 BASES.—The entry and exit data system described in this
 12 section shall be able to be integrated with law enforcement
 13 databases for use by State and Federal law enforcement
 14 to identify and detain individuals in the United States
 15 after the expiration of their visa.

16 **SEC. 4. ACCESS BY THE DEPARTMENT OF STATE TO CER-**
 17 **TAIN IDENTIFYING INFORMATION IN THE**
 18 **CRIMINAL HISTORY RECORDS OF VISA APPLI-**
 19 **CANTS AND APPLICANTS FOR ADMISSION TO**
 20 **THE UNITED STATES.**

21 (a) AMENDMENT OF THE IMMIGRATION AND NA-
 22 TIONALITY ACT.—Section 105 of the Immigration and
 23 Nationality Act (8 U.S.C. 1105) is amended—

24 (1) in the section heading, by inserting “; DATA
 25 EXCHANGE” after “SECURITY OFFICERS”;

1 (2) by inserting “(a)” after “SEC. 105.”;

2 (3) in subsection (a), by inserting “and border”

3 after “internal” the second place it appears; and

4 (4) by adding at the end the following:

5 “(b) The Attorney General and the Director of the
6 Federal Bureau of Investigation shall provide the Depart-
7 ment of State access to the criminal history record infor-
8 mation contained in the National Crime Information Cen-
9 ter’s Interstate Identification Index (NCIC–III), Wanted
10 Persons File, and to any other files maintained by the Na-
11 tional Crime Information Center that may be mutually
12 agreed upon by the Attorney General and the Department
13 of State, for the purpose of determining whether or not
14 a visa applicant or applicant for admission has a criminal
15 history record indexed in any such file. The Department
16 of State shall merge the information obtained under this
17 subsection with the information in the system currently
18 accessed by consular officers to determine the criminal his-
19 tory records of aliens applying for visas.”.

20 (b) REGULAR REPORTING.—The Director of Central
21 Intelligence, the Secretary of Defense, the Commissioner
22 of Immigration and Naturalization, and the Director of
23 the Federal Bureau of Investigation shall provide informa-
24 tion to the Secretary of State on a regular basis as agreed
25 by the Secretary and the head of each of these agencies

1 that will assist the Secretary in determining if an appli-
2 cant for a visa has a criminal background or poses a threat
3 to the national security of the United States or is affiliated
4 with a group that poses such a threat.

5 (c) REPORT ON SCREENING INFORMATION.—Not
6 later than 6 months after the date of enactment of this
7 Act, the Secretary of State shall submit a report to Con-
8 gress on the information that is needed from any United
9 States agency to best screen visa applicants to identify
10 those affiliated with terrorist organizations or those that
11 pose any threat to the safety or security of the United
12 States, including the type of information currently re-
13 ceived by United States agencies and the regularity with
14 which such information is transmitted to the Secretary.

15 **SEC. 5. STUDENT TRACKING SYSTEM.**

16 (a) INTEGRATION WITH PORT OF ENTRY INFORMA-
17 TION.—For each alien with respect to whom information
18 is collected under this section, the Attorney General shall
19 include information on the date of entry, port of entry,
20 and nonimmigrant classification.

21 (b) EXPANSION OF SYSTEM TO INCLUDE OTHER AP-
22 PROVED EDUCATIONAL INSTITUTIONS.—Section 641 of
23 the Illegal Immigration Reform and Immigrant Responsi-
24 bility Act of 1996 (8 U.S.C. 1372) is amended—

1 (1) in subsection (a)(1), subsection (c)(4)(A),
 2 and subsection (d)(1) (in the text above subpara-
 3 graph (A)), by inserting “, other approved edu-
 4 cational institutions,” after “higher education” each
 5 place it appears;

6 (2) in subsections (c)(1)(C), (c)(1)(D), and
 7 (d)(1)(A), by inserting “, or other approved edu-
 8 cational institution,” after “higher education” each
 9 place it appears;

10 (3) in subsections (d)(2), (e)(1), and (e)(2), by
 11 inserting “, other approved educational institution,”
 12 after “higher education” each place it appears; and

13 (4) in subsection (h), by adding at the end the
 14 following new paragraph:

15 “(3) OTHER APPROVED EDUCATIONAL INSTITU-
 16 TION.—The term ‘other approved educational insti-
 17 tution’ includes any air flight school, language train-
 18 ing school, vocational school, or other school, ap-
 19 proved by the Attorney General, in consultation with
 20 the Secretary of Education, under subparagraph
 21 (F), (J), or (M) of section 101(a)(15) of the Immi-
 22 gration and Nationality Act.”.

23 (c) EXPANSION OF SYSTEM TO INCLUDE ADDI-
 24 TIONAL INFORMATION.—Section 641(b) of the Illegal Im-
 25 migration Reform and Immigrant Responsibility Act of

1 1996 (8 U.S.C. 1372(b)), as amended by subsection (a),
 2 is further amended—

3 (1) by redesignating subparagraphs (B), (C),
 4 and (D) of paragraph (1) as subparagraphs (C),
 5 (D), and (E), respectively;

6 (2) by inserting after subparagraph (A) the fol-
 7 lowing:

8 “(B) the name of any dependant spouse,
 9 child, or other family member accompanying
 10 the alien student to the United States;”; and

11 (3) in paragraph (1)(D) (as so redesignated),
 12 by inserting after “maintaining status as a full-time
 13 student” the following: “and, if the alien is not
 14 maintaining such status, the date on which the alien
 15 has concluded the alien’s course of study and the
 16 reason therefor”; and

17 (4) by adding at the end the following new
 18 paragraph:

19 “(5) INFORMATION ON FAILURE TO COMMENCE
 20 STUDIES.—Each approved institution of higher edu-
 21 cation, other approved educational institution, or
 22 designated exchange visitor program shall inform the
 23 Attorney General within 30 days if an alien de-
 24 scribed in subsection (a)(1) who is scheduled to at-
 25 tend the institution or program fails to do so. The

1 Attorney General shall ensure that information re-
 2 ceived under this paragraph is included in the Na-
 3 tional Crime Information Center's Interstate Identi-
 4 fication Index.”.

5 **SEC. 6. STRENGTHENING VISA WAIVER PILOT PROGRAM.**

6 Section 217(c)(2) of the Immigration and Nationality
 7 Act (8 U.S.C. 1187(c)(2)) is amended by adding at the
 8 end the following:

9 “(D) TAMPER PROOF PASSPORT.—The
 10 country employs a tamper-proof passport, has
 11 established a program to reduce the theft of
 12 passports, and has experienced during the pre-
 13 ceding two-year period a low rate of theft of
 14 passports, as determined by the Secretary of
 15 State.”.

16 **SEC. 7. REPORTING REQUIREMENT REGARDING H-1B NON-**
 17 **IMMIGRANT ALIENS.**

18 (a) REQUIREMENT.—Not later than 14 days after the
 19 employment of a nonimmigrant alien described in section
 20 101(a)(15)(H)(i)(b) of the Immigration and Nationality
 21 Act is terminated by an employer, the employer shall so
 22 report to the Attorney General, together with the reasons
 23 for the termination.

24 (b) PENALTY.—Any employer who fails to make a re-
 25 port required under subsection (a) shall be ineligible to

- 1 employ any nonimmigrant alien described in that sub-
- 2 section for a period of one year.

○